Trade in Amer.
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EXPERIENCE preferable to THEORY.

AN

ANSWER

TO

Dr. PRICE's OBSERVATIONS

ON THE

NATURE OF CIVIL LIBERTY,

AND THE

JUSTICE AND POLICY

OF THE

WAR WITH AMERICA.

— Whereof cometh envy, ſtrife, railings, evil ſurmiſings, perverſe diſputings, deſtitute of truth. — But thou, O man of God, fly theſe things; and follow after righteouſneſs, godlineſs, faith, love, patience, meekneſs, — keep that which is committed unto thy truſt. 1 *Tim.* vi. 4, 5. 11, 20.

LONDON,

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MDCCLXXVI.

AN

ANSWER, &c.

A Late pamphlet, under the title of Obſervations on the Nature of Civil Liberty, &c. has been greatly applauded; and, as we are informed, has gone through ſix editions in leſs than ſix weeks, and the author has been honoured with the freedom of the city of London. The reputation of Dr. Price, as a man of ingenuity and learning, increaſes that éclat to the book, which the ſpirit of party would have raiſed, had the author been unknown. The ſame ſentiments, ſtyle, or mode of expreſſion, appeared about two years ago, in another pamphlet, with the title of *American Independence*; but that being anonymous, had leſs notice taken of it. Both have the moſt direct tendency to ſeparate for ever the kingdom from the plantations, not

merely to break the union, as being all one community and ſtate, but to render deſperate an alliance as ſeparate ſtates. The principles laid down will not admit of the ſubjection of the plantations to the ſame ſupreme authority with the kingdom; ſuch an authority is the only bond by which it is poſſible for them to be held together as one ſtate. The light in which all the meaſures of Government, for many years paſt have been ſet, and the repreſentations made of the *wicked* motives which have influenced the King, the Miniſtry, and the Parliament, to engage in ſuch meaſures, muſt tend to alienate the affections of the plantations, and to cauſe them to prefer an alliance with any other power in Europe, rather than with us.

Some of the Americans, who know that it is the mutual intereſt, both of the kingdom and plantations, to remain under one authority, have flattered themſelves that a way may be found for Parliament to retain its general ſupremacy, and the people in the plantations, nevertheleſs, to reſt aſſured, that they ſhall enjoy ſuch a degree of ſubordinate legiſlation, as will be ſatisfactory to them, and diſpoſe them

them to wiſh to return to a peaceable ſtate of government and order. But Doctor Price would perſuade theſe Americans, that they are members of diſtinct communities and ſtates; that Parliament can have no claim to authority over them in any caſe whatſoever; and that a country ſubject to the legiſlature of another country is in a ſtate of ſlavery; and that any ceſſions or compacts to yield to any extraneous juriſdiction a power of legiſlation, would be contrary to the rights of human nature.

I wiſh above all things to ſee the plantations reſtored to that happy ſtate, which they had been in for many years before theſe troubles began. The removal of thoſe obſtructions which this author has laid in the way, is my ſole inducement to the following remarks; I will, therefore, paſs over thoſe parts of his work which are foreign from my purpoſe.

His definitions of phyſical and moral liberty, I leave to ſpeculative men. I will not contend with him, upon his definition of religious liberty; for I think all men have a right to exerciſe, without moleſtation, that mode of religion they think beſt; provided, he will

give me leave to add, that it be done without detriment to the ſtate.

I will confine myſelf to civil liberty, and his application of it to the caſe of the kingdom and the plantations.

His ſyſtem may, I think, be brought within a ſmall compaſs, and is no more than this—

Civil liberty cannot be enjoyed under any government, unleſs the individuals which conſtitute ſuch government, may be admitted to an immediate participation in the powers of legiſlation and government.—Where the ſtate is ſmall, every one may partake in perſon.—Where it is large, every one may partake by giving his voice in the delegation of thoſe powers to a repreſentative; but the truſt delegated muſt be for a ſhort term only; the delegates muſt be choſen by the *unbiaſſed* voices of a majority of the individuals; they muſt be ſubject to ſuch limitations and reſtrictions as may be judged neceſſary, and to ſuch farther inſtructions as, during the continuance of the truſt, may be given by their conſtituents.

No community can have legiſlative power over the property, or legiſlation of another community which is not incorporated with

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it by a juſt and adequate repreſentation; and a ceſſion or compact to the contrary would either not bind at all, or bind only the individuals who made it.

The plantations are ſeparate and diſtinct communities, the legiſlative power of the kingdom cannot, therefore, bind the people in the plantations.

Precedents, ſtatutes, and ancient charters, though the arguments drawn from them in favour of the plantations may greatly outweigh thoſe againſt them, are not to come into conſideration; the queſtion with liberal inquirers ought to be, what juriſdiction over them reaſon, equity, and the rights of humanity give.

A government formed upon this ſyſtem is ſaid to be *free*—the creature of *the people*—every man is *his own* legiſlator—taxes are *free* gifts—laws are eſtabliſhed by *common conſent*, magiſtrates are *deputies*, &c. *—ſuch a ſtate will be *ſelf-governed* †—every ſtate that is not ſo governed is in *ſlavery* ‡.

* P. 6. † P. 9. ‡ P. 11.

Upon

Upon theſe principles of civil liberty, the author profeſſes to inquire into the war with America.

Firſt, In reſpect of juſtice.

2dly. In reſpect of the principles of the conſtitution.

3dly. In reſpect of policy.

4thly. In reſpect of the honour of the kingdom.

Laſtly, In reſpect of the probability of ſucceeding; and concludes with a plan of reconciliation.

After reading this plan, or model of government, every perſon will naturally be led to conſider, whether there is any ſuch government now exiſting in the world. If he finds none, he will as naturally look for the reaſon why there is none. One will immediately occur to him—there is not that degree of virtue in the individuals of any of the preſent communities in the world, which is eſſentially requiſite to the forming ſuch a ſyſtem. Factions will be raiſed, conteſts will enſue, bribery and corruption, force and violence, and every undue influence which can be conceived of,

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will invade private liberty; repreſentatives cannot be choſen by the *unbiaſſed* voices of a majority of the ſtate; and it would perhaps be "better to be governed by the will of one man, than by a repreſentation ſo iniquitouſly conſtituted *." But this is not all; men in a ſtate of nature muſt have a natural right to chuſe what form of government they pleaſe; and, according to Doctor Price, "government is an inſtitution for the benefit of the people governed, which they may model *as they pleaſe* †." Thoſe communities whoſe form, or model, has approached the neareſt to that which he pronounces perfect, have found by experience, that bodies of men prove the moſt unrelenting of all tyrants ‡; nor has the limited time of their duration been any reſtraint; it has rather been the means of a more zealous improvement of an opportunity, which would ſoon be paſt. Republican tyranny is intolerable; other powers break out as checks, or reſtraints, upon a mere democratical power; or the people will perhaps ſubmit to the government of a ſingle perſon, or of a few, to avoid the

* P. 11. † P. 12. ‡ P. 29.

evils

evils which they felt under that of many; and we have no inſtance of any government of a long duration, in a pure democratic ſtate. Virtue is the principle of a democracy, as well after it is formed, as in the formation of it. Where this is wanting, no form is more oppreſſive. The powers of government raiſed by faction indulge and favour the ſide or party to which they owe their exiſtence; and the contrary party is tyrannized over and oppreſſed. In what other governments have ſo many of the greateſt, the beſt friends and ſervants of their country, been unjuſtly deprived of their eſtates, liberties, and lives, as in the commonwealths of ancient Greece? Under what other form of government could ſo execrable a law have been deviſed, as that which made baniſhment the reward of virtue, and furniſhed means to envious and malicious men for diſplacing ſuch as had deſerved beſt from the people, to make way for their own advancement? The preſervation of *liberty* was the pretence for diſcouraging virtue.

What is it then which would recommend this model of government beyond all others, provided it could be practiſed in its greateſt perfection?

fection? The anſwer is—Under this government men enjoy *civil liberty* in the greateſt degree which a ſtate of government will admit; and under all other they are errant ſlaves.

Let us then examine the ſyſtem, and ſee what this liberty is, and whether it be of ſuch importance and of ſuch nature, that man can never alienate it; and whether, for the ſake of maintaining it, all the governments upon earth ought to be diſſolved.

A ſtate, in which every individual can give his ſuffrage, muſt be ſo ſmall as to render it, if not nominally, really, dependent upon ſome other great and powerful ſtate; or if we could ſuppoſe the preſent great ſtates to be multiplied into ſuch ſmall perfectly democratical ſtates, men might as well have remained in a ſtate of nature; eternal war and confuſion muſt be the conſequence. I will however juſt attempt the idea of a ſtate, which is to enjoy liberty in this perfect degree.

I look upon London as the firſt city in Europe. The livery of London are a ſelect, privileged, honourable body. The freedom of the city has always been deemed an honour, as well as a privilege. The livery conſiſts of

ſeven or eight thouſand men, a decent number for a democracy; and we may ſuppoſe them, at leaſt, equal in virtue to the common run of mankind; and that the laſt aſſembly for the election of a Chamberlain did not materially differ from their aſſemblies in general. I will then imagine the livery conſtituted into a ſeparate diſtinct republic, or perfect democracy, and that I am at liberty to chuſe a form of government to live under; I certainly ſhould prefer the deſpotiſm of the moſt abſolute monarchy, to the liberty of this perfectly *free* democracy.

But ſuch perfect democracies being utterly impoſſible, I will conſider in the utmoſt extent the liberty which each individual can enjoy from his being a member of a leſs perfect ſtate; in which, however, the author ſuppoſes that every right of human nature may be ſecured.

In all forms of government, ſo long as the powers exiſt, the degree of power is the ſame; in all, alike abſolute. If we ſuppoſe a democracy without laws, the democratic authority will be juſt as abſolute as in a monarchy. The firſt is moſt to be dreaded. If we ſuppoſe both to be governed by laws, the degree of reſtraint depends upon the laws, not the form

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of government. In both forms alſo the judiciary powers muſt alike be ſole judges of the laws, not individuals, for this would be contrary to the nature of government. What remedy then have individuals againſt oppreſſion and tyranny? There can be none but this; the people in every government, when the oppreſſion and tyranny of rulers can be no longer borne, will break looſe, riſe, put an end to the old authority and powers, and new will be eſtabliſhed in the ſtead of the old. In our own *mixed* form of government there were repeated inſtances of this ſort in the laſt century. The like inſtances happen in the moſt *deſpotic* governments.

But in a democracy, it is ſaid, this power returns at certain periods into the hands of the people; and, if they do not approve of the rulers laſt elected, they may then, without any convulſion, chuſe others in their ſtead. This is ſaid to be the characteriſtic of a *free* ſtate; ſtill, the moment the government is formed, I am no more *free* than if it had continued as it was before the new election; the laws are no more of *my* making, the taxes of *my* giving, nor

can I with greater propriety be ſaid to be *ſelf-governed*, than if I had no ſhare in election. A King may be elective, as in Poland, every individual may have a voice, and the major vote is to determine. Suppoſe the King of France and the King of Poland to be equally abſolute; can Poland be ſaid to be a *free* ſtate more than France, or do the individuals make their *own* laws, give away their *own* money, or are they more *ſelf-governed* in Poland than in France?

But the individuals in elective governments do, at the times of election, enjoy rights and *liberties* which cannot be enjoyed in ſtates where the authority is not elective. I will endeavour to make the moſt of them. I will ſuppoſe the iſland of Britain divided into two hundred and fifty equal parts, and that every man in each part has a voice in the election of two members to conſtitute a legiſlative body as the repreſentative of the whole. I cannot ſee why every woman, and every perſon arrived to years of diſcretion, ought not to have a voice alſo; for, upon our author's ſyſtem, without it they muſt be ſlaves. But I will not inſiſt upon this. If I happen to be one of the minority, which is as likely as not, I am in a worſe ſtate

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than if I had no voice, for I have probably made the perſons elected unfriendly by giving a vote againſt them; and it is moſt certain that I am not *ſelf-governed*; I am bound by laws, and forced to ſubmit to taxes to which I never gave *my conſent*, neither in perſon, nor by my repreſentative. But if each individual agrees to make ſuch choice, and to entruſt the powers of legiſlation with the two perſons on whom the major vote ſhall fall, in conjunction with five hundred others, in whoſe appointment he hath no ſhare, the Doctor ſays, that "whatever is done by ſuch delegates within the limits of their truſt, may be conſidered as done by the united voice and counſel of the community." So if each individual agrees to ſubmit to ſuch form of government, and ſuch perſons as the major vote ſhall determine, it may as well be conſidered as done by the united voice and counſel of the community, and the individuals are as much their legiſlators in one caſe as in the other.

But, it may be, the two men I voted for are choſen; I have then no aſſurance they will vote according to my mind in any affair which may come under conſideration; and though I agreed to ſubmit to make

make them my repreſentatives, yet if I am diſappointed in them, if they act contrary to my mind, I have no *advantage* from them. The *value* of this liberty, of this right, is what we are now conſidering.

But I am willing to ſee this liberty in the ſtrongeſt light, and will ſuppoſe that I carried my votes for both members, and that in every affair they acted juſt as I would have done myſelf. By my repreſentatives I have, then, two voices; but there are four hundred and ninety-eight voices, in the election of which I have no ſhare. Can ſo ſenſible a man as Dr. Price be ſerious, or in earneſt, when he ſays, that this right of giving a voice in election is *alone* ſufficient to make every man who enjoys it his *own* legiſlator? Is it ſo unalienable a right in the nature of man, that a community which, for the ſake of many and great benefits, ſhall agree to be governed by an authority in the appointment of which each of the individuals who conſtitute this community hath not a voice, ſhall not be held by ſuch agreement *, but have a right to emancipate themſelves as ſoon as they can?

* P. 25.

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But it will perhaps be ſaid, that the ſupreme authority of a ſtate, which is conſtituted by the *free* election of individuals from time to time, will have a ſtrong motive to purſue the true intereſt of the ſtate, their future election depending upon their ſo doing. They will have a ſtrong motive to purſue every *popular* inclination, and this muſt defeat the great end of their being elected, the good of the commonwealth, as often as the fancy or humour of the people differ from their true intereſt.

This muſt be one great reaſon why democratic governments have ſo rarely exiſted, and have never long continued; but if it was otherwiſe, the government, for that reaſon, could not be ſaid to be *free*. The form of government might be more eligible; but an inhabitant would be no more *free* than if he lived in an ariſtocracy or monarchy. I can have no conception of a *free* ſtate or *free* government, any farther than *freedom* is relative to the inhabitants whilſt they are in a ſtate of government. If the ſame men who conſtitute the ſupreme authority had aſſumed it without election, every man would be as much *his own legiſlator* —taxes as much *free* gifts—laws as much

eſtabliſhed by *common conſent*, &c. Why does the Doctor then make uſe of theſe flattering, though paradoxical, terms? Becauſe men are captivated with the words *liberty*, *free*, *ſelf-governed*, &c. and have the ſound of *ſlavery* in abhorrence. It is for the purpoſe of his ſyſtem alſo, becauſe he has determined that *liberty* is an unalienable right of human nature, and no man, conſequently, can bind himſelf to be a ſlave, as he muſt be, if the government, under which he lives, is not *free*.

After all that can be ſaid in ſupport of the Doctor's ſyſtem, it can only be conceived of in theory; it never has been, nor can be, carried into practice. We know of no original compact in any ſtate, except what ariſes from the nature of government, an implied compact that rulers ſhall employ the powers committed to them for the good of the people. We know no conſtitution of government in the world eſtabliſhed by the major part of the individuals aſſembled in a body, nor any alterations made in that way. So far as we know the riſe of our own conſtitution, it has been eſtabliſhed by the ſupreme authority in being; it is enough to mention Magna Charta, ſince

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altered in many reſpects by the ſame power which eſtabliſhed it. Even the limits to the duration of a Parliament have been ſet by the authority of Parliament, or, perhaps, in the firſt inſtance by the King, one branch only of that authority. The whole authority may alter what has been before done by the ſame authority, or by a part of it, and ſet further limits to the duration, or extend thoſe which have been ſet. But this, and what the Doctor ſays of the abſurdity of omnipotence in any ſupreme authority, are ſubjects which have been ſo fully handled, that no more need be ſaid upon them.

Upon the whole, the Doctor's republic is altogether Utopian or viſionary, can never have a real exiſtence; and if it could, would be attended with no important benefit to mankind, but on the contrary muſt be preceded by a diſſolution of all the governments where it takes place.

What is it then which makes this ſyſtem to be applauded? There is, as has been obſerved, an enchantment in the ſound of *liberty*, *free*, *ſelf-governed*, and the like. The declamatory part of the book in praiſe of *liberty* has

captivated the minds of many who have read it, and of many more who take it from report only.

I am far from thinking there is no ſuch thing as civil liberty, or that the people in all governments are alike *free*; but this freedom does not depend upon the form of government. I can eaſily conceive them to be as *free* under a monarchy as an ariſtocracy or democracy, and as *free* under a government compoſed of all three, as under either ſimply. The degree of freedom depends upon its being a "government by laws and not by men*;" and the diſtinction made by Dr. Price between laws which are made by one man, or a junto of men, in a ſtate, and thoſe made by five hundred men, in the election of one or two of which every individual had a voice, is altogether nugatory; and it is abſurd to ſay I am more *free*, in a ſtate where laws are eſtabliſhed which are in a greater degree reſtrictive, becauſe I conſented to the appointment of the perſons who made them, than I am where there are laws leſs reſtrictive, though I had no voice

* P. 7.

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in ſuch appointment; and yet in the latter caſe I am ſaid to be a *ſlave*, and in the other a member of a ſtate *ſelf-governed* *.

But all governments which have known eſtabliſhed laws, cannot be ſaid to be equally free. When laws, laying greater reſtraint than is neceſſary to anſwer the end of government, are multiplied, this is my idea of what Dr. Price calls "governing too much †:" and where there are laws ſufficient to anſwer this end and no more, and ſuch laws are impartially executed, this is the higheſt idea I can have of the liberty in a ſtate of government; and whilſt a government continues to enjoy it, it is immaterial what the form is, or by what name you call it. But how great this reſtraint ſhall be, muſt depend upon the wiſdom of the legiſlators, and the circumſtances of the ſtate. There is a certain degree of reſtraint neceſſary to the very being of government; *the individuals which conſtitute it ought not to be at liberty, by ſpeaking, writing, or in any other way whatſoever, to effect, or even to attempt, the ſubverſion and diſſolution of it.*

* P. 4. † P. 51.

I will now conſider how far the caſe of a community, or ſtate, differs from that of an individual; and here it will be proper to take a view of the democratical part of the Engliſh government. That of the republic I have already imagined, and of all others, comes within the reaſon of it. Each repreſentative, as ſoon as the body, of which he is one member, is formed, is the repreſentative of the whole kingdom; and no more ſo of that particular part of it, which elected him, than of any other. It is one great end of forming an authority conſiſting of ſo great a number, rather than of a few, or of one, that each may impart his ſentiments to the reſt in a free debate, that ſo the commonwealth may have the benefit of the joint wiſdom of ſo many of its wiſeſt men, ſelected from the whole community. Inſtructions from electors to the repreſentatives would therefore be repugnant to this principle of the conſtitution, an innovation, and they ought to have no influence any farther than, from the reaſon of them, they may ſerve to convince. If we ſuppoſe any particular part of the kingdom to have had no ſhare in election, every member, notwithſtanding, conſiders this part to ſtand related

related to him in juſt the ſame manner as the reſt of the kingdom, and the whole to have one common intereſt. When I view the conſtitution in this light, if I was to purchaſe an eſtate in the kingdom, I would not give a farthing more for it, becauſe two of the members of Parliament were elected by the inhabitants of the town where it lies, than if thoſe inhabitants had no ſhare in election.

But, Dr. Price ſays, the kingdom is one community or ſtate, and the plantations another. This is begging the queſtion, or taking for granted what cannot be admitted. When the term *community* is uſed to ſignify a ſtate, it is relative to the body of the people which make the ſtate. London and York are two different communities, when we take into our idea place as well as people, but merely to the purpoſe of forming a ſtate they are one community. It is juſt the ſame with Great Britain and Virginia, or any other of the colonies; and I am not able to ſee why the ſupreme authority of the whole dominion may not conſider the plantations as one common intereſt with the reſt of the dominion, as well as London and York. Newfoundland is one

iſland, and Britain another: This plantation is ſeparated from the kingdom by the ocean, as well as the reſt, but not ſo far diſtant: It has no legiſlature within itſelf; the inhabitants, however, are more numerous than in ſome of the other ſmall plantations. I cannot conceive, that the people of Newfoundland are deprived, in a greater degree, of their natural right, by being ſubjected to the authority of Parliament, than they would have been if they had happened to remove to the Iſle of Man, inſtead of Newfoundland. If the plantation at Newfoundland may be conſidered in this light, why not that at Nova Scotia, which is but a little farther, and the plantations in New England, which are only a little farther than Nova Scotia? If it be ſaid, Nova Scotia and New England have legiſlatures of their own, ſo has London and York, and they are ſubject to Parliament as well as Birmingham, which has no legiſlature. But Dr. Price having, by his own authority, made every plantation a ſeparate ſtate, ſays, "that between one ſtate and another, there is none of that fellow-feeling that takes place between perſons in private life *." I ſay, that the king-

* P. 19.

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dom and the plantations are all *one* ſtate, and have all that fellow-feeling which fellow-ſubjects have in any other ſtate. He ſays, that "being detached bodies, that never ſee one another, and reſiding perhaps in different parts of the globe, the ſtate that governs cannot be a witneſs to the ſufferings occaſioned by its oppreſſions, or a competent judge of the circumſtances and abilities of the people who are governed *." I ſay, that the kingdom and plantations remain one body; that the members have conſtant intercourſe one with another; that the inhabitants of the kingdom go to the plantations, and become members of the ſubordinate legiſlatures and inferior corporations there; that the inhabitants of the plantations come to England, are elected members of the ſupreme legiſlature here, ſheriffs, aldermen, and mayors of the corporations; that the ſtate can very eaſily know when any ſufferings are occaſioned by oppreſſion, and can be as competent a judge of the abilities and circumſtances of the people in the plantations as of thoſe in Scotland. The Doctor ſays, "they muſt alſo have, in a great

* P. 19.

degree,

degree, ſeparate intereſts, and the more the one is loaded, the more the other may be eaſed *." The ſame may be ſaid of the different parts of the kingdom, and there is no more danger of partiality and injuſtice to the plantations, than to any other part of the whole dominion. But, as the whole force of what he ſays upon this ſubject depends upon the ſame hypotheſis, *two ſtates*, I will follow him no farther. It is a ſufficient anſwer to him to aſſert, that the plantations are not ſeparate ſtates, ſeeing he gives us nothing but his own aſſertion to prove that they are. But, before I finiſh, I ſhall have occaſion to ſhew from precedents, ſtatutes, and charters, that the kingdom and its plantations are all one ſtate.

When he comes to inquire into the war with the Americans, all the force of his reaſoning ſtill depends upon the ſame hypotheſis, that all government without repreſentation is oppreſſive and tyrannical, and that the kingdom and the plantations are ſeparate and diſtinct governments, or ſtates. The idea of the latter is very artfully preſerved in the mind of

* P. 20.

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the reader, and the appearance of proof to ſupport it, is frequently brought from precedents, ſtatutes, and charters, which he had profeſſed to throw out of the queſtion.

In inquiring into the juſtice of the war, he obſerves, that it is a war between "*the kingdom* and the plantations;" whereas, it is between the ſupreme authority of the dominions, and ſuch of the plantations as had revolted from it. Cade's rebellion might as properly have been ſaid to be between the *kingdom* and Kent, or Ket's between the *kingdom* and Norfolk.——"We call them *our* colonies *,"——"think of them as in a ſtate of ſubordination to *us* †;"——"the meaneſt perſon among *us* is diſpoſed to look upon himſelf as having a body of ſubjects in America, and to be offended at the denial of his right to make laws for them ‡." This is all futile, or ſomething worſe.——When they are called *our* colonies, no more is intended than we intend when we ſay London is *our* capital. When any body thinks of the ſubordination of the legiſlatures in the plantations, he con-

* P. 31. † P. 32. ‡ Ibid.

ceives of them, as of the legiſlatures of London or York, all ſubordinate, not to *us*, but to the ſupreme legiſlature. Theſe, and others like them, which I paſs over, are mere inaccuracies, of which, I dare ſay, the Doctor himſelf, the champion for American independence, has often been guilty as well as others. I do not believe that any perſon in England, thinks he has a body of ſubjects in America, or in Ireland, or a right to make laws for them.

The ſtrongeſt oppoſers of the independence of America, have always admitted, that the people of Britain, of Ireland, of America, and every other part of the dominions, are ſubject to the ſupremacy of the Britiſh Parliament, and intitled to every liberty and privilege of the conſtitution, as far as their reſpective local circumſtances will admit; but they do not pretend, that any one part of the dominions has any authority over another. I have, I own, lamented theſe inaccuracies, have ſeen the uſe which has been made of them to alienate the affections of our American brethren, and fellow ſubjects; and I fear the Doctor intended to make the ſame uſe of them in his book.

book. I will not trouble the reader with the enumeration of all the reſt of them, as the obſervation upon thoſe which I have mentioned may ſerve for an anſwer to all.

It is certain, that the war with the plantations is juſt, or unjuſt, as the Parliament hath, or hath not legiſlative authority over them. Had the Doctor's hypotheſis been true, that there can be no lawful authority over a plantation, which has no ſhare in ſuch authority by repreſentatives elected by its inhabitants, the war muſt have been unjuſt; but not relying upon this only, he comes to charters, which he had before diſclaimed. Let us ſee whether they are more fairly adduced. "*The colonies have *free* legiſlatures of their "own;"—"†they were promiſed *all* the "rights of Engliſhmen,—allowed to tax themſelves,—to be governed by legiſlatures of "their own, *ſimilar to ours*;—their charters "were given by an authority which, at the "time, was thought *competent*:—they have "been rendered ſacred by an acquieſcence on "*our* part for more than a century. Can it

* P. 33. † P. 40.

" then be wondered at, that the colonies ſhould " revolt, when they found their charters vio- " lated, and an attempt made to force in- " novations upon them by famine and ſword."

I know of no charter which gives to any of the plantations a *free* legiſlature, ſo *free* as to be independent of Parliament; in all I have ſeen, the power of legiſlation is limited, the laws are not to be repugnant to the laws of England, the moſt favourable conſtruction of which muſt be, *not repugnant to ſuch laws as ſhall expreſsly reſpect them.*—The grant of all liberties and immunities of free and natural ſubjects, within any of the dominions of the crown of England, has been very often ſo clearly explained, to mean no more than that the grantees ſhould be conſidered as Engliſh ſubjects, and not aliens, or, in other words, that the plantations were part of the dominions, and, therefore, ſuch as removed thither, might be aſſured they ſhould not be deemed aliens, that I will not ſpend time in repeating the proof. One argument alone will demonſtrate, that, by a grant of the rights of Engliſhmen, could not be intended an exemption from the authority of Parliament, which is all

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that is neceſſary for my preſent purpoſe. All the charters before the Reſtoration were grants to corporate bodies in England, of legiſlative power over ſuch ſubjects as ſhould remove to America, and dwell within the limits reſpectively granted by ſuch charters. There are charters to Sir Humphry Gilbert, and Sir Walter Raleigh, by Queen Elizabeth; to the Virginian companies, to Bermudas, and to the council of Plymouth, by King James the Firſt; to Maſſachuſet's Bay, to Secretary Calvert for the province of Maryland, and to Sir Ferdinand Gorges for the province of Main, by King Charles the Firſt. The corporations, created by theſe charters, were to remain in England. The grant of Engliſh immunities was to ſuch ſubjects as ſhould go to, and inhabit in America, under the title of ſuch corporations. No body doubts, that the corporations which remained in England, were ſubject to the authority of Parliament. Can we imagine the inhabitants of America to be free from the controul of Parliament, and yet ſubject to the legiſlative power of a corporation

in

in England, which was liable to be controuled, and even annihilated by Parliament?

And then, for "the allowance to tax themſelves," they could have no power to tax *for any purpoſe* without a ſpecial grant. If this power had not been given to a corporation in England, ſubject to Parliament, yet a grant *for ſpecial purpoſes only*, can never be conſtrued to exclude Parliament from its *general* power. I have not the ſeveral charters in my poſſeſſion. I know that in ſome of them no power of taxation is granted, and it was one of the charges againſt Maſſachuſets colony, that the corporation had taxed the inhabitants without any authority by charter.——The ſame may be ſaid of the powers of legiſlation, as has been ſaid of taxation: in neither caſe could the grant exempt from the general power of Parliament. As well may London and York claim the like exemption, and juſt as *ſimilar* are their legiſlatures to *ours*, as the legiſlatures of the plantations; neither of them are *ſimilar* in power, *ſimilar* in form only, which is nothing to the Doctor's purpoſe.—The authority which granted, he ſays, was at that time thought

thought *competent*. I ſay, it was *competent* to erect corporations, but not *competent* to exempt from authority of Parliament. King James and King Charles might think it ſo. Surely the Doctor does not rely upon their ſenſe of their authority. Will he do it in the caſes of ſhip-money, tonnage and poundage, monopolies? &c. The great lawyer, Lord Chief Juſtice Coke, did not think the authority *competent*. He declared, that Parliament had power to diſſolve all theſe charters if it thought fit, and that it ought to do it, as they were monopolies, and abridged other ſubjects of the right they had to trade, fiſh, &c. in thoſe parts of the dominion. It may be ſaid, the grantees thought the authority *competent*. They ſoon knew the contrary; the charters were brought before Parliament. In 1624, a judicial proceſs was brought againſt the Virginia charter. The Privy-council, in one way or other, from the beginning, have taken cognizance of them. Will any man ſay, that the courts of law, or the Privy-council, have juriſdiction where the authority of Parliament doth not extend?

We ſhall not find the Doctor's account of the *acquieſcence* of Parliament to be a whit better

ter founded. When Parliament has been paſſing acts, from the time of granting theſe charters to this day, not only in each of the ſeveral reigns but in the time of the Doctor's darling republic, for regulating the plantations; is this an *acquieſcence* in an exemption from the authority of Parliament? If he does not mean ſuch an *acquieſcence*, what he ſays is trifling, and to no purpoſe.

Theſe references to charters, by his uſing words which have an equivocal ſenſe, may miſguide his readers; but, when compared with the charters, are found to be not in the leaſt to his purpoſe. For the charters granted ſince the Reſtoration, I have only one brief remark to make on all of them, viz. that it is not poſſible the ſeveral Princes which granted them, ſhould intend to exempt the grantees from the authority of Parliament; becauſe, before, at, and after the time of granting, thoſe Princes, at the head of the Parliament, were exerciſing the authority of Parliament over them.

But why have I ſpent ſo much time in ſo plain a caſe? Every man of common ſenſe muſt acknowledge, that a power which the ſupreme legiſlative power cannot controul,

is a ſoleciſm in government, conſequently the Crown can grant no charter to exempt any of its ſubjects from the authority of Parliament.

But the Doctor is prepared for me;—he lays no ſtreſs on charters; he recurs to his ſyſtem. The ſubjects in the plantations, by their removal to America, became a diſtinct ſtate, and "the moſt expreſs ſtipulations in all the charters of the colonies, for ever to ſubmit to the people from whom they withdrew, can be no more binding than a ſtipulation to go naked, or expoſe themſelves to the incurſions of wolves and tygers *." He might as well have reſted altogether upon the injuſtice of one independent ſtate's making war upon another without any cauſe; for every thing elſe in this ſection of his book, is either miſrepreſentation, or proves nothing to his purpoſe. He ſtrives indeed to ſtrengthen his own cauſe, by ſhewing the weakneſs of the arguments brought againſt it by his oppoſers, but they are arguments ſtated in ſuch manner as he thinks fit, that he may the more eaſily anſwer them.

* P. 41.

It is urged, he ſays, that it is neceſſary a ſupreme power ſhould be lodged ſomewhere, "in order to preſerve the unity of the Britiſh empire *;" and he plays upon the word *unity*, as if it intended an agreement in opinion, or unity of ſentiment, in contradiſtinction to diſcord; whereas no body could ever uſe this argument in any other ſenſe, than to ſhew the abſurdity of more than *one* ſupreme authority in the ſame government.—The "ſuperiority of the Britiſh ſtate †," is *ſaid* to have been another argument. To what purpoſe? Surely not to ſhew the *right* of Parliament; poſſibly to ſhew the *practicability of maintaining the right*.—That "we are the parent *ſtate* ‡." The parent *country*, or mother *country*, is a common expreſſion in the plantations, and may have been uſed by writers to ſhew the ſenſe of the people there, that they were of the ſame family with the kingdom, which they ſtill conſider as their home; but no ſtreſs is laid upon ſuch an expreſſion to ſhew, that the mother country hath authority over the plantation becauſe a parent hath over his children.—"Tha t we

* P. 35. † P. 31. ‡ P. 37.

have

have protected them, and run deeply in debt on their account *." This too may have been urged by ſome, as a good reaſon why the plantations ſhould not be ſuffered to ſeparate from the kingdom until ſatisfaction is made, but not to ſhew the conſtitutional authority of Parliament over them.—Here the Doctor takes occaſion to ſay, that " in the laſt war they ran themſelves deeply in debt,"—" were an accurate account ſtated, it is by no means certain which ſide would be moſt in debt †." This is too groſs to paſs without particular notice. I have the greateſt reaſon to believe, the individuals in the plantations were much richer at the cloſe, than at the beginning of the war. The debt of all the governments did not amount to a million. The eſtates of individuals, I believe, were much more increaſed. I doubt whether individuals in the kingdom were enriched in any proportion to thoſe in the plantations. I know the public debt was increaſed about ſeventy millions. The Doctor ſays, the people of the colonies are now near half our number. Their public debt then, ſo far as the proportion is to be ſettled by numbers, ought to have been at leaſt thirty millions; when, in fact, it

* P. 38. † P. 39.

was leſs than one. Let me add, that every government in the plantations was out of debt in a few years, and that very little of the ſeventy millions due from government here has been yet diſcharged.—It is farther ſaid, " that the land on which they ſettled was *ours* *." The land was *theirs* as much as *ours*: it was part of the dominion, or ſtate; the right of granting it, by the conſtitution, was in the Crown. How this right was acquired I need not ſhew; the planters ſettled under the Crown; they have not been diſturbed by any perſon or power pretending a better title; they are precluded both in law and reaſon from any exception, until they ſhall be ſo diſturbed. It is not true, that the property of the greateſt part has been purchaſed of the natives: What little has been purchaſed, was without any valuable conſideraton; a few hogſheads of ſpirituous liquors would procure a quit-claim to as much land as is contained in one of the ſmaller colonies.

The laſt of his oppoſer's arguments which he is to anſwer is this, " The defective ſtate of the " repreſentation of this kingdom has been far- " ther pleaded to prove our right to tax Ame- " rica. We ſubmit to a Parliament that does

* P. 39.

" not

" not repreſent us; and, therefore, they ought.
" How ſtrange an argument is this? It is ſay-
" ing we want liberty, and therefore they
" ought to want it." This is *a ſtrange* argument: Dr. Price is the firſt I have met with who has made uſe of it in the manner he ſtates it. We ſay, it is immaterial whether all the inhabitants of the kingdom have a ſhare in election or not: The authority of Parliament is the ſame in both caſes. We do not ſay, becauſe we want liberty therefore they ought: But when it is urged, as a reaſon to exempt the plantations from the authority of Parliament, that they are not repreſented, it is *argumentum ad hominem*, to ſay that they are repreſented as much as the greateſt part of the people of England; and this is all the uſe I ever knew to have been made of it. It is eaſy to conquer, when we can chuſe our enemy's weapons as well as our own.

The Doctor, before he finiſhes this ſection, begs a particular attention to two inquiries. After ſtating the queſtion between *us* and the colonies, not as it now ſtands, but as if they aimed only at a partial independency, he inquires firſt, " Whether, if *we* have now this ſu-
" premacy, *we* ſhall not be equally intitled to

" it

" it in any future time? They are now but lit-
" tle ſhort of half our number; the probability
" is that in fifty or ſixty years they will be
" double our number: will they be ſtill
" bound?" The anſwer to this is very ſhort: Parliament hath now a conſtitutional authority over the plantations: This authority hath been, and ſtill may be, exerciſed to the general benefit of the dominions: Empires may increaſe, like that of the Romans, until they become too unweildy to be governed under one authority: It will then be time enough to inquire whether the power and authority exiſting ought to be continued. The queſtion now is a matter of mere ſpeculation.

The next inquiry is, — " If *we* have indeed that power which *we* claim over the legiſlations and internal rights of the colonies, may *we* not, whenever *we* pleaſe, ſubject them to the arbitrary power of the Crown?" Not if it be unjuſt. I will ſet no other limits to the authority of Parliament than that it hath no right to do wrong. I will tell him what it has done. When the act of Parliament paſſed for the ſettlement of Wales in the reign of Henry VIII. power was given to the Crown to alter any thing in the act within three years; and this

power

power was, I think, continued, by ſubſequent acts, down to the latter end of James I. It was more general, and of a higher nature, than that in the Quebec act, which the Doctor ſays makes the King a *deſpot* over all that country. I know no other reaſon for aſking this queſtion, than that he might have an opportunity of making this and the ſubſequent remarks, for the queſtion is frivolous, and entirely foreign from his ſubject; and he might as well have aſked whether Parliament may not, whenever it pleaſes, ſubject *Wales* to the arbitrary power of the Crown. He ſays, it is impoſſible that the repreſented part ſhould ſubject the unrepreſented part in Britain to arbitrary power without including themſelves. I cannot imagine why. We ſee Wales was ſubjected, even after it was repreſented, and the other parts not included. Surely he will allow that it might as well have been done before.

The inquiry in the next ſection is, Whether this war is juſtified by the principles of the conſtitution. The Doctor ſays, " it is by no means true; nor, were it true, would it be right that we ſhould eſtabliſh our own conſtitution

tution there." They have chartered governments of their own, with which they are pleaſed, and which, if any power on earth may change without their conſent, that power may likewiſe, if it think proper, deliver them over to the Grand Seignor. Suppoſe the colonies of France and Spain had, by compacts, enjoyed for near a century and a half *free* governments, *open to all the world*, and under which they had grown and flouriſhed, what ſhould we think of thoſe kingdoms were they to attempt to deſtroy their governments, and to force upon them their own mode of government? Should we not applaud any zeal they diſcovered in repelling ſuch an injury? But the truth is, we are not maintaining, but violating our own conſtitution in America. The eſſence of our conſtitution conſiſts in its iudependency."

What has all this to do with the principles of the conſtitution of England? Can the Crown of England, upon the principles of the conſtitution, grant a charter to any part of its ſubjects which *frees* them from the authority of Parliament? Are theſe charters of the nature of compacts between two independent powers or ſtates? Will length of time

give

give force to what, in the beginning, was entirely void of it? Were the Britiſh plantations ever *free*, or, as the Doctor muſt mean, if he means any thing, *independent?* Were they ever, *lawfully* I mean, open to all the world? Or is the Engliſh conſtitution eſſentially independent, more than thoſe of France, Venice, or any other conſtitutions upon earth? Surely this muſt have been wrote in haſte. The following part of the ſection ſhall make up for it. "The *fundamental* principle of our government is *the right of a people to give and grant their own money.*" Why he has thus expreſſed himſelf I cannot tell. He cannot mean that it is a principle of the Engliſh conſtitution, that no one government or ſtate can give away the money of another government or ſtate. This is the fundamental principle of all governments. We muſt underſtand him then, that it is the fundamental principle of the Engliſh conſtitution, that "the money of the ſubjects cannot be taken from them without their conſent, expreſſed by them in perſon, or ſignified by their repreſentatives elected for that purpoſe." I have ſaid enough upon this ſubject, ſo far as it has been urged to be a principle of civil liberty, or government

in general. We are now upon the Engliſh conſtitution. As far as we have any knowledge of it, the conſtitutional method of raiſing money from the people has always been by acts of the ſupreme legiſlative authority under what form ſoever it may have been, at the time when the acts were paſſed. In the reign of King John, the great Council of the kingdom for aſſeſſing aids, &c. conſiſted of Archbiſhops, Biſhops, Abbots, Earls, and greater Barons, together with all who held lands under the Crown *in capite:* The people had no ſhare in their appointment, but were notwithſtanding bound by their laws of what kind ſoever. As we come forwards the land holders are multiplied, ſo as to render it inconvenient for ſo numerous a body to aſſemble together; we then find them authoriſed, in each county, to ſend commiſſioners to act in conjunction with the *Magnates* of the realm for and in behalf of the whole: Afterwards, boroughs and cities are formed, and, by letters patent from the King, authorized to chuſe commiſſioners alſo, who have an equal voice with thoſe elected by freeholders: Still, a great proportion of the people are without any ſhare of election. We cannot

aſcertain when, or how, it became the privilege of the commiſſioners, choſen by the people, to originate grants of aids; probably ſoon after they ſat in a different Houſe from the Lords, and probably alſo, becauſe they had the means of beſt knowing the condition and circumſtances of the people in all parts of the realm; what they are able to pay, and in what proportion. We know that the Commons *now* have the ſole right of orginating grants of money: We know there are inſtances of grants *in early times* originated by the Lords: We have reaſon to think the denial of a right in the Lords to make any alterations in money bills is of later date: We know it has been conteſted. So far as the alteration may increaſe the ſum, or affect the proportion, it comes within the reaſon of originating the grants; ſo far as it may leſſen the ſum, it ſeems to be more arbitrary. From this brief account, which I believe to be true, this right of originating grants by the repreſentative of the people does not appear to be a *fundamental* principle in the Engliſh conſtitution, but rather to be now ſettled and eſtabliſhed by Parliament as a rule of proceeding in all caſes of taxation whatſoever, whether the ſubjects taxed had any ſhare in the election

of repreſentatives or not; nor can this right be ſaid to be inherent in this branch of the legiſlature, merely by force of its being elected by the people; for by juſt the ſame reaſon it muſt have a right not only to originate, but to be the ſole judge of every act of legiſlation which affects life, liberty, or any valuable intereſt whatſoever, as all acts of government muſt be ſuppoſed to do in ſome way or other; and many muſt be of much greater conſequence to the intereſt of the people, than thoſe which reſpect their eſtates.

If any principles may be ſaid to be fundamental in the Engliſh conſtitution, this ſeems to be one, that the lands in all parts of the dominion, by ſome tenure or other, are held of the Crown: In conformity to this principle, grants of all the territory in the plantations have been made by the Crown. It is another principle, equally fundamental, that wherever the authority of the Crown extends, the authority of Parliament extends alſo: It is an undeniable fact, that the grantees received their grants, as of lands within the dominion of the Crown, and under ſocage tenure, in which is included allegiance or fidelity to the Crown: An oppoſition, by force of arms, to the execu-

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tion of acts of Parliament, by conſtruction of law is a breach of this allegiance and high treaſon. The Doctor may have recourſe to the refuge which he has in reſerve, and urge that the plantations are not part of the Britiſh dominions. If that is the caſe, to what purpoſe has he been enquiring into the principles of the Engliſh conſtitution?

The next inquiry is into "the policy of the war." I expected the author's queſtion would have been, Whether, in good policy, government ſhould have given up all claim to its authority over America, rather than maintain it by force? But after having followed him, "wandering from his point*," through ſeven or eight pages, I find that what he principally intends to inſiſt upon is "the folly, in reſpect of policy, of the meaſures which have brought on this conteſt, and its pernicious and fatal tendency †." It was no part of my deſign to engage in the defence of the preſent adminiſtration, or to bring charges againſt any former; but it will be impoſſible for me to remove thoſe prejudices which the Doctor is labouring to inſtil into the minds of the Americans

* P. 58. † Ibid.

againſt

againſt government, and which muſt effectually prevent a reconciliation, unleſs I ſhew wherein he has miſrepreſented the paſt as well as the preſent adminiſtrations. A general charge of pride, love of dominion, thoſe infernal principles of blind reſentment, and love of revenge, merely becauſe they are *inherent in human nature*, may as well be brought againſt all the governors upon earth. But there is further evidence that theſe muſt have been the motives; "We have tranſported ourſelves to their peaceful retreats, and employed our fleets and armies to ſtop up their ports, to deſtroy their commerce, to ſeize their effects, and to burn their towns. They have riſen in their own defence, and repelled force by force.—They deny the plenitude of our power over them, and inſiſt upon being treated as free communities. —It is that has provoked us, and kindled our governors into rage *."

Will not a foreigner, unacquainted with the American controverſy, ſuppoſe that government, from mere wantonneſs, had invaded the liberties and properties of its American ſubjects, and compelled them to riſe in their own

* P. 55.

defence,

defence, to ſave themſelves from deſtruction? Inflammatory remarks follow theſe miſrepreſentations; and then, having obſerved that our whole conduct has been nothing but a ſeries of the blindeſt rigour followed by retractation, of violence followed by conceſſion, of miſtake, weakneſs, and inconſiſtency, the Doctor profeſſes to prove it by relating the proceedings of government—in altering the act of the 6th of George the Second, which impoſed duties on foreign ſpirits, &c. and laying other duties for the purpoſe of a revenue—in paſſing the ſtamp-act, which threw the continent from one end to the other into reſiſtance and rage—in repealing the ſame act without requiring any recognition of the authority of Parliament, or doing any more to preſerve its dignity than aſſerting its power by a declaratory law—in paſſing another act to impoſe duties on tea, paper, glaſs, &c. which revived all the former heats—in repealing all the duties in that act, except on tea, which was left to maintain *a ſhew of dignity*—in enabling the Eaſt India Company to export tea to America, ſubject only to a duty of three pence per pound, in order to bring the colonies *into a ſnare*, which they ſpurned at, and refuſed to admit the tea; and at Boſton

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ſome perſons in diſguiſe buried it in the ſea * — in ſtopping up the port of Boſton until compenſation ſhould be made — in deſtroying the chartered government of the province — in withdrawing from its juriſdiction perſons who in particular caſes ſhould commit murder — in paſſing the Quebec bill.

The Doctor then proceeds to paint in lively colours the effects of all this vengeance in Maſſachuſets bay — the diſſolution of government there — the fright the miniſtry was in here — the ungracious conciliatory propoſal, that if the Americans would tax themſelves as Parliament ordered, Parliament would not tax them — the diſdain with which this propoſal was received — the urging the province of Maſſachuſet's Bay into rebellion, by ordering the army to ſeize *their* ſtores, and to take up ſome of their leading men — the people's taking to arms, and repelling the attack — the deſtruction of a great part of the flower of the Britiſh army — the diſgraceful and miſerable impriſonment of ſome of our beſt generals and braveſt troops in the town of Boſton — the commencement of

* I ſee no difference, in a moral view, between a partial repreſentation conveying a falſe idea, and an aſſertion directly contrary to truth.

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a horrid civil war, and the diſtraction and convulſion of the whole empire. All theſe things were done, notwithſtanding the colonies had *allowed* us every power we could deſire, except that of taxing them, and interfering in their internal legiſlations.—He then laments the effects of the loſs of our American trade, and ſhudders at the proſpect of a kingdom on the brink of ruin.

The beſt way of anſwering this narrative and theſe remarks will be by another narrative and other remarks. I have had the advantage of examining many original papers, as well as records, relative to the ſeveral governments; and I have ſeen the depoſitions, taken here, of ſeveral perſons who were preſent in Boſton at the time when the tea was deſtroyed, and who arrived here ſoon after.

I cannot give a full idea of the riſe of this unfortunate conteſt without going back to the beginning of the laſt war with France.

The peace in 1762 had left the bounds between the Engliſh and French dominions in America undetermined. The poſts which the French had taken after the peace, on the back of the Engliſh ſettlements from

the Ohio to Nova Scotia, alarmed our inhabitants; and the governors repreſented to the miniſtry that, if neglected, a French force would, in time, be able to drive every Engliſh coloniſt into the ſea. Altercations began between the two courts, and directions were given to ſome of the governors to raiſe men, and to take poſts likewiſe on the Engliſh frontiers, and, if neceſſary, by force to attempt the removal of the French encroachments. Orders were alſo ſent to the ſeveral Engliſh governors, to recommend to their aſſemblies to appoint commiſſioners to meet at Albany, to conſult upon proper meaſures for ſecuring the Indians, and to ſettle a proportion of charge to be borne by the ſeveral governments in caſe of a new war. I have it from ſufficient authority, that whatever may have been the notions or expectations of ſome of the American coloniſts in the days of the commonwealth, and for ſome years after, yet, from the Revolution down to the year 1754, no idea of independence exiſted in America; the people had no viſionary notions of *liberty*; with the name of *ſubordinate* governments, they felt leſs reſtraint from their laws, leſs of the burden of government, than

any people of any government in Europe. If this had not been enough to keep off a deſire of independence, they were afraid of their French neighbours, and their whole confidence was in that protection which they claimed in common with their fellow-ſubjects in England.

In purſuance of the recommendation from the Crown, commiſſioners met; they agreed upon an addreſs to the King, repreſenting the imminent danger the plantations were in, and humbly praying for protection. They agreed alſo upon a plan of union of the ſeveral governments, by a repreſentative of the whole, conſiſting of members from each government, with powers to ſettle proportions, raiſe monies, &c. and it was an article of this plan of union, previous to all the reſt, that application ſhould be made to Parliament to authorize this plan. It never took effect. The governments in the plantations did not approve of the general deſign, nor chuſe to truſt an aſſembly of delegates; and government here was equally averſe to it. This tranſaction, by a congreſs regularly repreſenting ſo many of the governments, demonſtrates that the conſtitu-

tional authority of Parliament over them was freely acknowledged at that time.

In the courſe of the war, requiſitions were ſent to ſeveral of the governments to raiſe ſuch forces as would conſiſt with their abilities, and they were at the ſame time aſſured, that it would be recommended to Parliament to reimburſe or compenſate them in part, and in proportion to the exertions and abilities of each government. The promiſe was punctually performed, and the benefit which each government received from a large importation of ſpecie annually, though not one half of their expence, was ſo great, that many of the requiſitions from time to time were chearfully complied with. As the peace approached and the terms of the treaty were expected ſoon to be ſettled, the anxiety was great leſt Guadalupe or Martinico ſhould be ceded to the Engliſh and Canada reſtored to the French; and great was the joy when the treaty was made public, and the ceſſion of Canada with it. Without this ceſſion of Canada, there would have been no ſcheme of independence in America to this day. Many of my readers will recollect how much we were divided in England when the peace approached,

approached, and that this conſequence of preferring Canada to one, or both, of the ſugar iſlands was then foretold.

Notwithſtanding the peace with France, war continued, or was renewed with ſome of the Indian nations in America, and forces were kept up for carrying on the Indian war, and for ſecuring the new ceded countries. This put government here upon a plan for raiſing monies in America; not to eaſe the kingdom of any part of the debt of ſeventy millions incurred by the war, but to defray part of the charge which continued after the peace, for the defence of America; and, as Doctor Price obſerves, the firſt thought was to reduce the duty on molaſſes, &c. which by the act of the ſixth of George the Second, was laid ſo high as to amount to a prohibition, and to lay ſuch ſums as might be paid without cauſing a ſtrong temptation to ſmuggle. It was natural to think of this duty, becauſe, a few years before, one or more of the agents had been concerting with the miniſtry the reduction of the ſame duty, upon a preſumption that it would be agreeable to the inhabitants of the colonies; and this agent recommended

mended to his conſtituents, to make application for ſuch reduction, and upon conſideration of his propoſal, a very large committee of the council and houſe of aſſembly were in favour of it; but by an accident it was ſtopped from going any farther at that time.

The duty on ſtamps, though it had many years before been in contemplation, was ſuggeſted afreſh to Mr. Grenville, by an American member of the Houſe of Commons, and, I have been informed, was communicated to, and not oppoſed by ſeveral American agents; but they wiſhed for time, which was readily granted them, to inform the American aſſemblies of the deſign, and the agents were further authoriſed to ſay to the aſſemblies, that they were at liberty to ſuggeſt any other way of raiſing monies for the purpoſe propoſed. I think this was treating the plantation legiſlatures more properly and favourably, than if requiſition had been made by the ſecretary of ſtate, as was done during the war; and yet Mr. Grenville has been abuſed for not making a requiſition. What was the conſequence of this ſuſpenſion and propoſal? The affair was taken into conſideration by moſt,

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if not all the legiſlatures. All, except one or two, expreſsly denied the right of Parliament; or, which is the ſame thing, confined the right to themſelves. They all declined making any other propoſal.

From hence began all our miſeries. If the ſeveral legiſlatures had been ſilent on the point of right, had pleaded long exemption from parliamentary taxation, founded on commercial advantages to the ſtate, the oppoſition afterwards made to the ſtamp-act would juſt as well have procured the repeal of it, and the diſpute about the right might have been kept off to this day.

The ſtamp-act paſſed with little oppoſition. If we are to judge by the event, it may be ſaid to have been impolitic. In the time of it, I feared the convulſions which it has cauſed. I knew how much government here had been weakened a little before that time; that mobs, riotous and tumultuous aſſemblies, were ſuppreſſed with difficulty; and that leſs riotous, but more criminal aſſemblies, triumphed over the law. I knew the ſame ſpirit had began to ſhew itſelf in America. The agents of the plantation governments, however, made no great ſtir.

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If they had imagined the act would have met with ſuch violent oppoſition, they would not have ſollicited, as they did, that their particular friends ſhould be appointed to carry it into execution.

A new adminiſtration thought the repeal of the act neceſſary. Whether it could have been carried into execution, and the people brought to acquieſce, cannot now be determined. Conſidering that all America was in a flame, and that all the ſervants of the Crown in the plantations were deſtitute of any kind of protection, I then thought the repeal expedient and neceſſary. The declaratory law rather did hurt than good : It was treated with contempt. I do not think with Doctor Price that, if no farther attempts had been made, the people would have recovered their former habits of ſubjection. Could the ſtamp-act have been repealed, merely upon the principle of expediency, as was the caſe with the cyder-act at the ſame time, all the bad conſequences of the repeal might have been avoided. It was the declaration of a great commoner, *that Parliament had no right to tax America, and that he was glad America had reſiſted,*

reſiſted, which gave the *death-wound* to parliamentary authority there. The leaders in America ſeized it with eagerneſs. They praiſed and idolized him. They knew, indeed, that he had declared in favour of the authority of the Parliament in all caſes of external taxation, and for enforcing all laws for that purpoſe; and, if obedience was refuſed, that he would not ſuffer a horſe-nail to be made in the plantations. They appeared, however, to take no offence at it, but kept on the reſerve, until they had a convenient opportunity to unmaſk; for they knew if there was reaſon to deny the authority in internal, there was juſt the ſame in external. It preſently appeared in ſeveral of the governments, that the repeal of the ſtamp-act did not ſatisfy them. The leaders in New York and Maſſachuſet's-bay influenced the aſſemblies to take exception to parliamentary authority in other caſes beſides internal taxation. A plan was laid in ſome of the aſſemblies for a general congreſs at New York. This was altogether unconſtitutional; no commiſſions from the Crown, and no charters giving any authority to this purpoſe. Not long after the repeal, another change in ad-

miniſtration took place. The new miniſtry ſaw, as Mr. Grenville's had done, the reaſonableneſs of requiring America to bear a proportion, at leaſt, of the charge neceſſary for its defence. Whatever colour Doctor Price may have, according to his own ſyſtem, for the charge of deſpotiſm, I ſee none for that of avarice. An act paſſed for external, or port, duties upon glaſs, paper, tea, &c. which ſeemed to conſiſt with the principles of the great commoner, not diſavowed by the Americans. This act, the Doctor ſays, "as was *expected*, revived all the former heats." I do not believe that government had reaſon to *expect* a revival of the former heats; but it is certain they were revived. Combinations were formed in moſt of the governments, againſt importing the obnoxious articles, and greater tyranny was practiſed to compel all to join in the combinations, than the people in Turkey would have borne. Theſe diſorders effected a repeal of all the articles, except tea. The oſtenſible reaſon was, that a duty on thoſe articles was anticommercial; but America knew the real reaſon. The duty upon tea was left, to ſhew that Parliament

ment did not give up the right. After a year or two's ſtruggle, it was paid in moſt of the governments. In New York and Penſilvania, tea was ſmuggled, with little or no riſk, from Holland, and none was imported from England into thoſe governments, therefore the people there gave themſelves no more concern about the tea-act than about the declaratory act: they felt no effect of either of them. Beſides the acts for taxation, the leaders in America were making uſe of other means of ſtirring up the people, and inflaming their tempers, in order to accompliſh their deſigns of independence. The diſorders occaſioned in America by the acts of trade, and the connivances at the breach of them, had given riſe to an act of Parliament, to enable his Majeſty to appoint commiſſioners of the cuſtoms to reſide in America. I know complaints had been made of the great hardſhips the merchants in America were under, in being obliged to apply to the commiſſioners of the cuſtoms in England, on occaſion of diſputes with the cuſtom-houſe officers, which the ſurveyors general had no authority to decide. I do not believe this American board had greater powers given to

it, than the commiſſioners in England had before its inſtitution. No other effect was felt, than that which it had upon the illicit trade, which the vigilance of the commiſſioners in ſome meaſure diſcouraged. It was, therefore, given out, that the board was appointed merely to enforce the new duties; means were uſed to inflame the people, and the appointment was pronounced unconſtitutional and oppreſſive.

The powers of courts of admiralty to take cognizance of ſeizures, though made part of the conſtitution of every government for near a century paſt, were now alſo pronounced to be incompatible with the rights of an Engliſhman. To keep up troops in any government to aſſiſt the civil magiſtrate in the execution of law, was keeping up a ſtanding army, contrary to the bill of rights, unleſs the legiſlature *of ſuch government* gave its conſent to it.

The payment of ſalaries by the Crown to its ſervants, who derived their authority from the Crown, was declared to be another inſtance of invaſion made upon the rights of the people.

It became every day more difficult to carry the laws of trade into execution, until at length

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the authority of the cuſtom-houſe officers was in ſome governments openly defied; and in others thoſe officers winked at every breach of law, from fear of their lives, in caſe they had made a ſeizure: In ſhort, in all matters, which had reſpect to the authority of Parliament, government for four or five years together had been gradually loſing its force; but this could not have been, if the leaders in the plantations had not been conſtantly encouraged by the oppoſition to government, and other partiſans, here. A conſtant correſpondence was kept up for that purpoſe.

This was the ſtate of America when the affairs of the Eaſt India company came before Parliament, and that company was enabled by an act to export tea to America. The American market for tea was in a great meaſure loſt; the true reaſon of the loſs was the illicit trade; as this had been encreaſing, the exportation from England had been decreaſing for many years before. Penſylvania and New York imported all from Holland: An *illicit* trade was there an *open* trade. In the other governments an importation from England had been quietly ſubmitted to, and the three-

penny

penny duty had been regularly paid for two or three years. I do not know that adminiſtration had any view to facilitate the payment of the duty, or, as the Doctor expreſſes himſelf, to bring the colonies *into a ſnare*. It was natural to ſuppoſe, that when the price was reduced, the duty would more generally be paid; and Penſylvania and New York be induced to trade with England inſtead of Holland, when the temptation to ſmuggling ſhould ceaſe.

But whatever were the views of adminiſtration, it certainly was inſinuated into the minds of the people of America, by letters from hence, wrote whilſt the Eaſt India bill was in Parliament, that a plan was laid to bring the colonies *into a ſnare*—that a noble reſiſtance on this occaſion would free them from the ſlavery intended for them; if this opportunity was loſt, there would never be another; and if they ſhould ſuffer the ſhips to land the tea, and the duty to be paid, they would rivet their own chains. Theſe letters were publiſhed in news-papers through the continent, ſome of which came hither. Committees of correſpondence, by advice from hence, were eſtabliſhed in Penſylvania, New York, and Maſſachuſet's Bay;

Bay; an uniformity of meaſures was reſolved upon; the ſhips and tea were, at all hazards, to be ſent back from each government. Accordingly in Penſylvania and New York the Ships were not ſuffered to come up to the uſual landing places, and, although they had large quantities of other goods, they all came back to us; and the owners of thoſe goods, as well as the owners of the tea, were obliged to ſubmit to the damage.

The ſhips, which were ſent to Boſton, had alſo large quantities of other goods beſides tea. The owners of thoſe goods were not willing to ſubmit to the damage they muſt ſuſtain if they ſhould be ſent back to England. A town meeting was called, a committee appointed: The owner of one of the ſhips did not intend to ſuffer his ſhip to come into the harbour, until he had an opportunity of judging, from the temper of the people, whether the tea could be landed; but this committee, leſt the ſhip ſhould carry away the other goods with the tea, ſent for the owner, required him at his peril to bring his ſhip to the uſual landing place, and to enter at the cuſtom-houſe, and deliver all the goods, except the tea. After the other

goods

goods were delivered, the committee then required the owner to ſend back his ſhip with the tea: He applied to the collector for a clearance: The collector refuſed to grant it for the tea, ſuppoſing he could not do it conſiſtently with the duty of his office, and the oath he was under. No ſhips can paſs the caſtle at Boſton without a permit from the governor. All plantation governors are under oath to do their endeavour that the acts of trade be carried into execution; and the act which eſtabliſhes a cuſtom-houſe is particularly named in the oath. When the committee of the town of Boſton found this difficulty in obtaining a clearance for the ſhip, the inhabitants of Boſton were convened, by an irregular notification; the inhabitants of ſeveral other towns aſſembled with them, making many thouſands when all in one body: This body required the owner to go and demand a permit from the governor, who refuſed to grant it until he had a certificate, that the ſhip and goods on board were cleared at the cuſtom-houſe. No body imagined the governor could give any other anſwer; and before the owner returned, a ſmall part of the people had ſeparated from the

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reſt in order to diſguiſe themſelves; and, being ſo diſguiſed, entered all the ſhips, hoiſted out the tea, and caſt it into the ſea; the body of the people who had been aſſembled following them, and ſurrounding the ſhips upon, and near, the quays where they lay *.

We cannot forget the univerſal cry of all parties, when the news of this act of injuſtice and violence was firſt received here; in ſome way or other all agreed it ought to be puniſhed. It appeared, that the body of the people of the town of Boſton had countenanced and encouraged every ſtep which tended to the deſtruction of the tea until it was completed. Parliament, therefore, thought fit to paſs an act to reſtrain the town from all commerce by ſea, until ſatisfaction ſhould be made to the Eaſt India company, &c. It was natural to ſuppoſe the town would raiſe eight or ten thouſand pounds, rather than ſubmit to ſuch diſtreſs as the loſs of its commerce muſt bring upon it. A meeting of the inhabitants was called; ſome of the principal men,

* To make government appear *deſpotic*, *malicious*, *revengeful*, and *avaricious*, in ſhutting up the port of Boſton, until ſatisfaction ſhould be made for the tea, Dr. Price has repreſented the deſtruction of it as the act of a few diſguiſed perſons only. See Obſervations, p. 64.

for rank, eſtates, and underſtanding, preſſed a compliance with the act of Parliament, but the majority was againſt it, and the port remains ſhut up to this day.

The council, the ſecond branch of the legiſlature in Maſſachuſet's Bay, was annually elected by the houſe of repreſentatives; the governor, by the charter, had but little authority to act by himſelf, or without the council. It appeared that the council had declined to adviſe or aſſiſt the governor in any meaſures for ſecuring the tea from the rage of the people, and, in divers other inſtances had ſhewn, that they were under undue influence from their electors. Alterations in the province charter were therefore judged neceſſary: Some of the province laws reſpecting the appointment of juries were alſo thought proper to be altered; and an act of Parliament paſſed for thoſe purpoſes: And, as the civil or military officers in that province might, in the diſcharge of their truſt, be the inſtruments or cauſe of the death of perſons who were in breach of the laws, and an impartial trial could not be expected where the people in general were ſo much diſpoſed to an oppoſition to law, it was judged neceſſary that proviſion ſhould be made for removing ſuch trials

trials to other parts of the dominions, where a fair trial by an unbiaſſed jury might be had.

Several regiments were ordered to Boſton about this time, and the general of the King's forces in America was appointed governor of Maſſachuſet's Bay. Oppoſition to the late acts of Parliament was determined on. The firſt aſſembly which he held invited the other governments to a general congreſs at Philadelphia, and appointed their own delegates. This cauſed a diſſolution, and the people met in a new aſſembly, by their own authority, took the power of the militia into their hands, ordered the public monies to be paid to their own treaſurer, and did other acts of government: They collected proviſions, ammunition, and all military ſtores; formed regiments under new officers, having diſplaced all appointed by the King's authority; ordered a great number of men in all parts of the country to be ready to appear in arms at a minute's warning, and diſtinguiſhed them from the reſt by the name of *minute-men*; cauſed the militia in all parts to be frequently exerciſed in the uſe of fire-arms; procured ſerjeants, or others who had deſerted from the King's forces, to inſtruct them; agreed upon

articles of war for the government of an army, whenever it ſhould be neceſſary for it to appear in arms for the defence of the province. By the charter, or *compact* upon this occaſion, if Dr. Price will have it ſo, the ſole power of the militia of the province, and of erecting and demoliſhing, at pleaſure, fortifications of any kind, and in any place, is reſerved to the King, to be uſed by the governors; and the aſſembly had never been ſuffered by the governors to take this power in any degree out of their hands: Acts of aſſembly had paſſed to ſtrengthen his hands in the uſe of it. — The law moſt certainly would have conſidered Maſſachuſet's Bay at that time in a ſtate of revolt, as clearly as at any time ſince.

The governor and general, in this ſtate of the affairs of the province, had firſt tried the civil authority with which he was veſted, and, by proclamations and one or more attempts of civil officers to apprehend ſuch perſons as were in the breach of law, endeavoured to bring back the people to an obedience to the laws; but without any effect. He then thought it neceſſary to erect fortifications in the town of Boſton, for the ſecurity of that town, as well as of the King's forces under his command.

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By this time, the general congreſs had met at Philadelphia, and juſtified the proceedings of the people in Maſſachuſet's-bay; and provincial congreſſes, had done the like in moſt of the other plantations; and the general aſſembly of the two governments of Connecticut and Rhode Iſland had alſo followed the example of the general congreſs.

At length, upon the 19th of April laſt, the general of the King's forces thought fit to ſend a detachment from Boſton to Concord, a place about twenty miles diſtant, with orders to ſeize a quantity of proviſions and warlike ſtores, which he was informed had been unlawfully lodged there. A part of this detachment met a company of militia in arms at Lexington, ſix or eight miles from Concord, very early in the morning, in appearance every way prepared for hoſtilities. An engagement enſued, the circumſtances of which are well known. This was the beginning of actual hoſtilities.

From the foregoing narrative, which I believe to be in every part true, the reader will be aſſiſted in judging to whom theſe hoſtilities are to be charged. I will inquire how far Doctor Price is right in charging them to the

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avarice, *pride*, *revenge*, and *deſpotic ſpirit* of government here.

My ſituation in life has been ſuch, as to bring me under no attachment to any one adminiſtration more than to another. I have had occaſion to obſerve, in the people of this and other governments, a diſpoſition to favour accuſations brought againſt their rulers; popular clamours, therefore, makes no impreſſion on my mind.

There can be no pretence to charge Mr. Grenville's miniſtry with deſpotiſm, unleſs all acts are deſpotic, when the authority of Parliament had not been conteſted; nor with revenge upon the Americans, who had given him no offence; nor with avarice, when the ſum propoſed was ſhort of the charge of their protection. —If the Doctor has laid any thing to the charge of Lord Rockingham's miniſtry, it is the futility of the declaratory act, without accompanying it with a recognition to acknowledge its authority; but this could not be exceptionable, when the act itſelf is pronounced *dreadful*, and the effect of it the *eſtabliſhment of ſlavery*.

The ſame may be ſaid of the Duke of Grafton's adminiſtration, as of Mr. Grenville's; there

there was no power aſſumed, but what the Americans and their advocates allowed to be in Parliament, the taxes being external only, it could not therefore be deſpotiſm; and the reduction of the duty upon the tea, would eaſe them more than all the other duties would burden them, which carried no marks of revenge.

All which can be charged to Lord North's adminiſtration is, the retaining *a part* only of thoſe duties, to the *whole* of which the Americans had acknowledged they ought to ſubmit, and this merely to retain *the right* which otherwiſe would have been ſaid to be renounced.

On the other hand, I do not charge the war upon the people in the plantations *in general.* Twelve years ago they had no idea of independence. They had never heard that taxation and repreſentation muſt always go together. A propoſal to take up arms againſt the authority of Parliament, even in the caſe of a ſtamp-act, would have ſtruck them with horror.

To what cauſe are we then to impute the war? To the *avarice*, *pride*, *revenge*, and *ſpirit*

rit of deſpotiſm, under the veil of *liberty*, of *a few men* in each of the plantations, directed in all their meaſures by their correſpondents *here*, and encouraged by the example ſet them *here*, to defy and ſet at nought all law among themſelves. Even theſe leaders, at firſt, did not ſeem to have perfect independence in view. They made gradual advances towards it, and finding they made them with impunity, they proceeded with more alacrity; and it is now more than ſeven years ſince ſome of them, in an unguarded hour, have declared they would never give over until they attained to it.

We have always had men *here* undertaking for the Americans, that lenitive meaſures would reſtore government and order; when, at the ſame time, they have encouraged the Americans to make a firm reſiſtance, aſſuring them, ſometimes that they had nothing to fear from a timid adminiſtration; at other times, when adminiſtration appeared to be determined upon vigorous meaſures, that at the worſt they might depend on the people *here*, who, rather than ſuffer America to be oppreſſed, would riſe and effect a revolution in government.

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The Americans have been farther encouraged by the publications here in their favour, by ſpeeches, proteſts, &c. regularly tranſmitted in print, and ſometimes in manuſcript, juſtifying all their proceedings, even ſince they have been in a ſtate of revolt. Without encouragement from hence, the diſorders of America would have been ſuppreſſed in the beginning, by the interior powers of government there.

The common people were drawn in gradually and ſlowly; they were alarmed with deſigns againſt their religion and liberty. They have been made to believe, that Lord Bute is a Roman Catholic, and that under his influence popery is to be firſt eſtabliſhed in America, then in England; and that Lord North does not think unfavourably of that religion; that their houſes and lands, as well as their trade, would be taxed; that they would have an arbitrary government eſtabliſhed; and, to ſum up all, would be made perfect ſlaves. It is doubtful whether, with all theſe arts, they could have been prevailed on to riſque all that peace and quiet, ſo long enjoyed by them and their anceſtors, if they had not been aſſured, that

government in England would infallibly give way, and that they would never be called to take up arms. Still they were very hardly brought to approve the meaſures of their leaders, and I doubt, with Doctor Price, whether to this day they wiſh for independence; and, I hope, when they are convinced how groſsly they have been deceived, they will more willingly and ſpeedily return to that happy ſtate of government under which they had always lived.

How far the alterations in the charter of Maſſachuſet's-bay, and the regulations in their laws were expedient at that time, I will not now enquire. If in any point the people were aggrieved, there is room for redreſs. It is enough, that Parliament was in the regular exerciſe of its authority. I think I do not go too far when I ſay, that no right or property can be acquired, whether derived from the Crown or from Parliament itſelf, which, whenever the public good requires, Parliament cannot take away. Charters are no more ſacred than other property: Accordingly, we have ſeen the authority of Parliament exerciſed in the caſe of the Eaſt India charters, and in

that

that of the charter to the city of London, very ſimilar to that of the Maſſachuſet's. By authority of Parliament, and, as many ſtill conceive, much to the public advantage, a negative voice was given to the Aldermen in all corporation acts: By another act of Parliament, they were deprived of this negative, and have now, each Alderman, only a ſingle voice in conjunction with one of the common council. If I had time, I doubt not, many other like inſtances might be adduced.

The removal of trials is what we ſee every day done by the courts of common law: An act of Parliament was neceſſary in the trials after the laſt rebellion in Scotland.

What relation the Quebec act has to the caſe of the colonies in general, I never could ſee. The only colourable one, if it may be ſaid to be colourable, is the vaſt territory comprehended in that government. This was neither deſigned to enlarge a government becauſe in its conſtitution it was leſs popular than the others; nor to encroach upon the bounds of any other government, for there is a ſaving of all rights which any other government may have; but merely to prevent encroachments

upon ungranted territory; the reaſons for which are obvious. This was a controverſy by itſelf, and the Doctor ought to have left it at reſt.

I will make no other remark upon the exception to what is commonly called Lord North's conciliatory propoſal, than that the want of ſuch a propoſal has been the conſtant charge againſt Mr. Grenville, until one of the colony agents very lately ſhewed, that it was made by him; and, I have no doubt, that if the like propoſal had not been made by Lord North, we ſhould have found the want of it diſplayed in the Obſervations, &c.

I am not ſufficiently acquainted with the ſeveral branches of the public debt, to determine whether the Doctor has ſtated it truly or not. To my purpoſe it is immaterial, whether he makes it ten millions more or leſs than it really is. It is evident, that he endeavours to ſet it in the moſt formidable light. We are bound, in charity, to preſume, he does not wiſh to ſhake the public credit: His ſole intention then muſt be to convince us, that if we loſe the American trade, we ſhall never be able to ſupport the public credit. But if we concede to

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the claim of independence, how are we to retain the trade of the Americans? The Doctor will say that they will consent to trade with us: He can give us no security for it: It will be all one whether they separate by violence or part by consent; they will trade with any other power in Europe rather than with us, if the trade be more profitable: It must therefore be *policy* to prevent a separation as long as we are able. But the most consoling consideration is this: The contest with the Americans has opened our eyes in the kingdom, and convinced us that the profits of our trade with them have been exaggerated; that if the whole trade was gone, public credit may be supported.

The Doctor, in his next section, professes to enquire into the war as it respects the honour of the kingdom, and sets out with observing that it is one plea for continuing the contest, "our honour is engaged, and we cannot now recede without the most humiliating concessions;" but this is stating the plea unfairly: We say that government has good right to maintain its authority over all parts of the dominion; and being engaged in measures to restrain any

part

part from a revolt, it cannot in honour recede whilſt there is a probability of ſucceſs : If government has not good right, or if the attempt be deſperate, no body pretends that it is bound in honour to proceed ; but the Doctor chuſes to have an antagoniſt of his own making. The purport of this ſection is, nevertheleſs, to ſhew that we have no right, and therefore it cannot conſiſt with our honour to go on, but we are bound to recede. We have the ſame ground to go over again in every ſection. Here he gives us a definition of government, " that it is, or ought to be, nothing but an inſtitution for collecting and for carrying into execution the will of the people," and laments that the meaſures of government and the will of the people are ſometimes in direct oppoſition to one another. He is willing however it ſhould be " taken for granted, though probably far from true," that the majority of the kingdom favour the preſent meaſures, and yet he ſays this is no good argument againſt receding; for " the diſgrace to which a kingdom muſt ſubmit by making conceſſions is nothing to that of being the aggreſſors in an unrighteous quarrel." I aſk who is to recede? If he ſays the aggreſſor, or,

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in other words, government. How does this conſiſt with his definition of government? For if government is to carry into execution the will of the people, and the people favour the meaſures for war, government cannot recede from them. This, by the bye. He repeats again what he had ſo often done, which has been fully anſwered, that we are endeavouring to reduce to ſervitude our own *brethren*—are inſiſting upon ſuch a ſupremacy over them, as to leave them nothing they can call their own, and are carrying deſolation and death among them for diſputing it; and then the caſe of the plantations is compared to that of the Corſicans, the United Provinces of Holland, the Syracuſans when invaded by the Athenians and the allied ſtates of Rome in the ſocial war. Unleſs ſome parallel can be drawn between theſe caſes and ours, what can be propoſed by adducing them? Let any one read the hiſtory of Corſica, always ſubject to ſome power or other, frequently ſhifting its maſters, firſt under the Greeks, then the Carthaginians, the Romans, the Goths, the Saracens, the French, the Holy See, the Piſans, the Genoeſe, always denying any other right than that of conqueſt, and always ſtruggling

gling to free themſelves; let him read the ſtory of the cruel oppreſſions it was under from the Genoeſe, and let him compare it with the hiſtory of the plantations, ever one ſtate with the kingdom, ever acknowledging one and the ſame ſupreme authority, never feeling any oppreſſion, nor more than a ſmall ſhare of the common burdens of government; the Corſicans ſtruggling for independence, that they might be free from evils they were then ſuffering; the Americans that they might avoid diſtant evils, of which they imagined they were in danger; then let him judge whether the caſes are ſimilar.

Is the caſe of the *United* Provinces in any reſpect like that of the plantations, except that the latter have now taken the name of the *United* Provinces alſo? Were the Netherlands colonies ſent out by Spain, foſtered and reared under its acknowledged authority? Had they not originally a diſtinct government, a conſtitution in many reſpects ſimilar to that of England, under a head by the name of prince, count, or duke; and orders of ſtates, each branch whereof was in poſſeſſion of eſtabliſhed powers and rights? Did not the government fall to a

prince

prince of a new family, nation, and language? Did not this prince attempt to alter the conſtitution, and to deprive the other branches of their known and long exerciſed powers? Were not the ſubjects by a mere act of power deprived of that natural right which may be *truly* ſaid to be unalienable; a liberty of private judgment in matters of religion; and by a court of inquiſition compelled to diſcloſe that private judgment, of which a cruel death was made the penalty? Did the United Provinces ſeparate from the kingdom of Spain? No—Surely their caſe was much more ſimilar to that of England at the Revolution. Oppreſſed by a *prince*, the *people* of both ſtates roſe againſt him, freed themſelves from his authority, and placed another in his ſtead. One revolution, indeed, was ſuddenly and in a ſhort time effected; the other, after a ſtruggle of many years. One ſtate retained its original conſtitution under a new head, with the ſame title as the former; the other, took a new head, to which was alſo given a new name.

But Holland, according to Dr. Price, is "one of the greateſt and happieſt republics that ever exiſted *." How does this conſiſt

* P. 91.

with his definition of civil liberty? Is the ſupreme legiſlative authority elected by the people for a limited term, and under reſtrictions and limitations, and ſubject, from time to time, to inſtructions from the people? Have the people any ſhare in the election of this ſupreme authority? Are the ſubjects of any ſtate in Europe more reſtrained of their natural liberty? Is any abuſe of their Stadtholder, or of the States General, ſuffered to paſs with impunity? If a clergyman, who meddles with politics in the pulpit, has a ſtaff and a pair of ſhoes provided for him at the door of the church; what would be his fate if he ſhould juſtify the revolt of Batavia from its ſubjection to the States General after it had been declared in rebellion; and condemn all the meaſures for reſtoring it to obedience, as proceeding from pride, avarice, and the internal principles of blind reſentment, and the deſire of revenge; and publiſh all this to the world? I do not ſay that Holland is a leſs happy republic becauſe of this reſtraint, but I think Dr. Price does not wiſh that it ſhould be imitated by government here.

But where could he have found an inſtance more foreign than that of the Athenians and Syracuſans? He might as well have brought

brought in the wars between Rome and Carthage.

The ſocial war then may be more to his purpoſe: "The allied ſtates had fought "the battles of Rome, and contributed to its "grandeur, claimed the rights of Roman citi- "zens, and a ſhare in legiſlation.*" Do the Britiſh colonies aſk a ſhare in legiſlation? Does the Doctor know that the *proud and ungrateful*† Britons would deny it, if they ſhould aſk?

But it ſeems theſe inſtances are mentioned for another purpoſe. "We *felt* for the brave "Corſicans—All the world *admired* the reſiſt- "ance of the Netherlands—Let any man, if he "can, avoid *rejoicing* in the defeat of the Athe- "nians,—and the *feelings* of every Briton muſt "force him to approve the conduct of the al- "lies, and to condemn the *proud and ungrateful* "Romans; but the preſent conteſt being in- "conſiſtent with our own *feelings* in *ſimilar* "caſes, it muſt therefore be a diſhonour to us "to continue it.‡" Can it be conſiſtent with Dr. Price's character to bring caſes which have no reſemblance to the caſe before us, and to alledge them to be *ſimilar*; or, to ſet up our *feelings* in the place of our *judgment* and *reaſon*?

* P. 91. † Id. ‡ Id.

Our *feelings* are excited by our *paſſions*; often governed by *prejudices*. We envy a ſucceſsful great man; we pity a poor unfortunate man, without conſidering the juſtice of the cauſe in a controverſy between them. Without conſidering whether Cæſar deſerved it or not, I have my *feelings* when I read the ſtory of his death. Dr. Price, probably, has his *feelings* when he reads the fate of Caſſius!

But can any thing be more abſurd, more ridiculous, than this doctrine, that "if the colonies are *perſuaded* they are fighting for liberty, though they are miſtaken and guilty of *irregularities*, they ought to be pardoned." Why? The Doctor ſays, "becauſe our anceſtors have given them ſo many examples of ſimilar conduct." This doctrine is not merely abſurd and ridiculous; it is highly dangerous, and tends to excite every republican in England to a revolt, and juſtifies him in it. Again, "England ſhould *venerate* the attachment to liberty amidſt all its exceſſes;" I ſay, England ſhould *dread* that attachment to liberty which produces ſuch exceſſes, and conſider that, if not checked, they will ſoon riſe to anarchy, and poſſibly end in deſpotiſm and tyranny.

I thank

I thank the Doctor for his obſervation " that the people who cry out moſt vehement-" ly for liberty to themſelves, are the moſt " unwilling to grant it to others *." The preſent ſtate of America affords us a moſt ſtriking evidence of the truth of it.

What can be more trifling, more puerile, than his next reaſon to ſhew, that the war is not for the *honour* of the nation? " One of the " moſt violent enemies of the colonies has " pronounced them all *Mr. Locke's diſciples.*— " Glorious title!—How *ſhameful* is it to make " war againſt them for that reaſon †?"

I do not believe " it was the general cry laſt winter, that the people of New England were a body of cowards, who would at once be humbled into ſubmiſſion by a hoſtile look from any troops ‡;" but, I believe, it was the general opinion in both Houſes of Parliament, and out of them, that a body of undiſciplined men, though much ſuperior in number, would not long face a body of diſciplined troops, who had ſeen ſervice; and I do not know that we have yet ſeen any reaſon to alter this opinion. Whether ſuch a perſuaſion led to the war or not, is immaterial: The opinion itſelf was

* P. 93. † Id. ‡ Id.

rational

rational and well founded, and can reflect no *diſgrace.*

The Doctor may, with equal truth, ſay that the *laws* and *religion* of Canada were granted by Sir Jeffery Amherſt, in one of the articles of the ſurrender, " on purpoſe to obtain the power of bringing upon the colonies an army of French papiſts *," as that they were eſtabliſhed by Parliament for that purpoſe. It would have been as eaſy to employ the Canadians under Engliſh *laws* as French; and, as for their *religion*, they have the ſame natural right to the enjoyment of it as the Doctor has to his. But what odds does it make, whether I am killed by a papiſt or proteſtant, by a Frenchman, Swiſs, or Ruſſian, by a white man, a tawny, or a black? Or why has not government aright to employ auxiliary troops in carrying on war with its own ſubjects, as well as with a foreign ſtate?

What the probability of ſucceſs may be, which is the ſubject of the next ſection, it will be to no purpoſe now to inquire; *Facta eſt alea.*—I will, therefore, remark *particularly* on one part only of the ſection, and *generally* on all the reſt. The probability of ſucceſs is

* P. 94.

judged

judged of " by the faſtings and prayers of " America from one end to the other, whilſt " we are ridiculing the Americans as fanatics " and ſcoffing at religion *."

God forbid that I ſhould think lightly of religion, or that any thing I am about to ſay ſhould induce others to think ſo. If I thought it would, I certainly ſhould forbear. I am very well informed that, except in two, or perhaps three, of the New England governments, there is as little fanaticiſm in America as in any part of the chriſtian world. In thoſe governments days of faſting and prayer have been very frequent from their firſt ſettlement. No doubt, there are many people there, as there are in other places, who lay more ſtreſs on the religion of thoſe days, and who depend more on the favour of Heaven for their obſervance of them, and of acts of external worſhip on other occaſions, than for obſerving what the Goſpel calls *the weighty matters of the law*. If this may be called fanaticiſm, it has not travelled to the ſouthern governments. I doubt whether in any one of them, there have been ten days of faſting and prayer ſince the firſt ſettlement of it; in ſome, whether

* P 98.

there

there has been one. What can we ſuppoſe then is the cauſe of this ſudden religious turn? The leaders in America have ſtudied well the hiſtory of this government from 1641 to 1660: They copy after the leaders here in that day: They know what was the effect of ſuch days in thoſe times. Prayers and ſermons were calculated to perſuade the people, that their cauſe was the cauſe of God, and that they might therefore depend on ſucceſs. Some of the American ſermons on like occaſions, full of ſedition, to ſay the leaſt, have been reprinted here. Is not this to make religion a ſtalking horſe, when the real deſign is to gratify the luſt of party? This muſt be *the faſt to ſtrife and debate*, and cannot be the *faſt which God hath choſen*. To mock Heaven is the higheſt impiety. *Oh my ſoul, come not thou into their ſecret, to their aſſembly be not thou united.*

It is the *general* purport of the other parts of this ſection, to encourage the Americans to perſevere in their meaſures for attaining to independence, by a very deluſive repreſentation of *their* ability, and of *our* inability; and by examples taken from ancient and modern hiſtory. The like encouragement has been given

given them from hence, by men of the religious as well as civil order, from the beginning of the troubles to this day: Even at the time of our laſt advices from thence, they depended more on the ſucceſs of their partizans here, to effect a revolution in government by means of our diſtreſs, than upon their own ſtrength.

I thought I had done with this ſection; but I cannot take my leave of it without obſerving another of thoſe inconſiſtencies and abſurdities to which the rage of party will ſometimes carry men of ſuperior parts and learning. A few pages before; the danger and miſeries of a public impending bankruptcy, from the loſs of one branch of our trade, are repreſented and ſet in a moſt formidable light, and the Doctor "ſhudders at the proſpect *." In this ſection the loſs of the whole trade of the colonies and the ſhutting up their ports "will do them unſpeakable good; it will preſerve them from the evils of luxury, and the temptations of wealth, and keep them in that ſtate of virtuous ſimplicity, which is the greateſt happineſs †."

After all this long controverſy with Dr. Price, one paragraph has perfectly reconciled

* P. 87. † P. 96.

us: "I am hearing it continually urged — "Are they not *our ſubjects?* The people of "America are no more the ſubjects of the "people of Britain than the people of York-"ſhire are the ſubjects of the people of Middle-"ſex: They are your *fellow-ſubjects**." Theſe are the ſentiments of my heart. I ever condemned that inaccuracy, *our* ſubjects; I ever thought the Americans ſtood in juſt the ſame relation to the people of the kingdom in general, that the people of Yorkſhire ſtand in to thoſe of Middleſex; I ever thought they were our *fellow-ſubjects*. But alas! my hopes are very ſoon rendered vain, my fair proſpects obſcure. In the three or four next pages he returns to his old ſyſtem. "We and they are under *two* governments"—"*They* have no encouragement to truſt *you* with the power of taxing *them*"—"*They* will not obey *your* Parliament, *your* laws"—"Suppoſe the worſt—that the coloniſts are now aiming at *independence*, &c." What a ſtrange jumble of inconſiſtencies have we here? They are our *fellow*-ſubjects, and yet we and they are *two* governments. They will not obey *our* Parliament,

* P. 99.

our

our laws, and yet they are not aiming at *independence.* Can Dr. Price furniſh us from hiſtory with an inſtance of *fellow*-ſubjects who were not under one and the ſame ſupreme authority? I know of nothing that can give the leaſt colour for ſuch a ſuggeſtion, except it ſhould be ſaid, they and we are under one King. Were the Engliſh and Dutch *fellow-ſubjects* in the reign of King William the third? Or, are the Engliſh and Hanoverians *fellow-ſubjects* under his preſent Majeſty? Were the Engliſh and Scotch *fellow-ſubjects* from the reign of James the Firſt to the Union? James wiſhed, he ſtrove, to have them conſidered as ſuch; but every attempt of his courtiers, all the learning of Antenati and Poſtnati ſignified nothing: We and they were no more *fellow-ſubjects* when we were under James, than when we had been under Elizabeth. What rights, what privileges did they enjoy as Engliſh ſubjects? We would not ſuffer them to ſend a ſkiff to the Engliſh plantations: They began a plantation themſelves, and might have kept us from ſending a ſkiff there. There cannot be a more palpable abſurdity, than to ſay men are *fellow-ſubjects* under two diſtinct ſupreme legiſlative authorities.

I come now to the concluſion, and to the plan of conciliation recommended by a noble Lord, and adopted by Dr. Price. It is propoſed by the plan to repeal the reſtraining act—the charter-act—the act for the more impartial adminiſtration of juſtice—and the Quebec act—to leave the cuſtom-houſe and poſt-office and other acts to a temperate reviſal—never to give up the principle of regulating the trade, but to preſcribe the moſt explicit acknowledgment of Parliament's right of regulating it, in the moſt extenſive ſenſe, if the petition and other public acts of the colonies have not already left it upon a ſufficiently ſecure foundation.—Something further might be expected, provided a due and tender regard be had to the means and abilities of the ſeveral provinces, as well as to thoſe fundamental, unalienable rights of Engliſhmen—the right of judging not only of the mode of raiſing, but the quantum, and the appropriation of ſuch aids as they ſhall grant—the debt of England to be acknowledged as the debt of every part of the empire, Aſia as well as America included, provided that ſuch free aids as the colonies ſhall grant, and alſo the ſinking-fund, be unalien-

ably

ably appropriated to the diſcharge of the debt; and, finally, the laws of trade are all to be duly obſerved and enforced.

I will firſt conſider the plan, and then the propriety of its being adopted by Dr. Price. As an European Briton, if the plan could be carried to effect, and it was juſt to load the Americans with the national debt, I ſhould certainly be in favour it. All the acts propoſed to be repealed, and all the alterations in the acts to be reviſed, are not to be weighed in the balance with a ſecurity for the enforcement of the laws of trade alone: But the eaſe to the nation, by laying perhaps a quarter part of the public debt upon Aſia and America, caſts ſuch an amazing additional weight into the ſcale, that there is no room for heſitating a moment, if we can be informed how it is to be carried into execution. I am at a loſs how the laws of trade are to be enforced; in what breaſt the tender regard to the means and abilities of the ſeveral provinces is to find its place: If in any beſides that of the Americans themſelves, how can it conſiſt with their ſole right of judging, not only of the *mode* of raiſing, but the *quantum*,

and

and the appropriation of ſuch aid as they ſhall grant. If they are to enforce the laws of trade, and if they are to be the ſole judges of the *mode*, *quantum*, *means*, and *abilities*, &c. of raiſing and appropriating aids, what ſecurity can we have for the performance of what is to be done on their part; and how does the principle of regulating trade exiſt in Parliament, if they, and not Parliament, are to enforce the laws of trade?

How Dr. Price will reconcile this plan to his ſyſtem of civil liberty, and to the whole tenor of his book, I am ſtill more at a loſs. If "there are no cauſes by which one community may acquire a rightful authority over another, neither conqueſt, compact, nor obligations conferred;" how does the principle of the regulation of the trade exiſt in the Britiſh Parliament? How will any compact made by the Americans bind them? Would he enforce the laws of trade made by a Parliament which had no authority? When no civil ſocieties can lawfully ſurrender their civil liberty, by giving up to any extraneous juriſdiction their power of legiſlating for themſelves, and diſpoſing of their property," would he accept of ſuch unlawful ſurrender?

The

The Dean of Glouceſter may well be juſtified, upon his own principles, in giving up the colonies—becauſe they are not worth keeping. Doctor Price, upon his principles, cannot juſtify the not giving them up—for Parliament, he ſaith, hath no right to hold them. This plan, nevertheleſs, implies a right to hold them, which I muſt leave him to explain.

A departure from the fundamental principles of government began the conteſt, and has hitherto fruſtrated every attempt for reconciliation. If the colonies are to be juſtified in refuſing ſubjection in any one point, they may be juſtified in all. They are ſubjects, or they are independent. It will be aſked, may they not have certain powers of internal legiſlation with which Parliament ſhall never interfere, though it may have, and exerciſe all other powers of legiſlation whatſoever; this ſeems to have been the caſe with Ireland, which has been in poſſeſſion of taxation, at leaſt all internal, for ages paſt? I anſwer, neither the colonies nor Ireland can have an excluſive right; becauſe it is incompatible with the other powers reſerved to Parliament. But if Parliament is not to uſe its right over Ireland, what ſignifies

a right when it is never uſed? I have often heard this queſtion aſked, but it is not a fair queſtion. Although the right has not been uſed, it by no means follows, that the time will not come when it may be uſed. Ireland, by its legiſlature, has made large and laſting proviſion towards the general charges of government: It is to be preſumed, that Parliament has deemed it adequate; the right, therefore, has not been uſed. Parliament had forborne the uſe of its right of taxation in the continental colonies alſo, for the purpoſe of a revenue, from their firſt ſettlement: Commercial advantages from the colonies, and the poverty and burdens of new ſettlers might be deemed a good reaſon: The great charges of government, in defence of the colonies, cauſed Parliament to determine, that part of this charge ought to be borne by the colonies: Upon its being recommended to the legiſlatures to conſider of it, and to propoſe a way to provide for this charge, they declined it, and denied the right: Parliament thought fit to uſe the right, and to take meaſures to compel to a ſubmiſſion to it. Should the like caſe happen with reſpect to Ireland, I believe it never will,

will, Parliament may, and will proceed in the ſame way as it has done in the colonies.

What way then can ever be found for reconciling the colonies, and reſtoring them to peace and order? I know but one. Happy will it be for them and us, if we can agree to take it, and prevent that devaſtation, deſtruction, and ruin, which the vaſt armament now preparing threatens. They muſt return to that ſtate of obedience to the conſtitutional powers of government, in which they had been happy for an hundred years together. They have been alarmed with falſe ſuggeſtions of danger, of many great and inſupportable burdens, oppreſſions, and tyrannies never intended; and have been perſuaded to believe, they could avoid them in no other way than by a revolt. They muſt reflect upon the felicities ſo long enjoyed under government, upon the diſtreſs and miſeries brought upon themſelves by a revolt from it; they muſt be convinced that thoſe perſons, who uſed all the means in their power to diſſuade them from this revolt, were their beſt friends, and that they who have perſuaded, and compelled them to it, were their worſt enemies. The repeated declarations made by their juſt, their

benevolent Sovereign, of his diſpoſition to every act of lenity and kindneſs; the reſolve of the Houſe of Commons, *that upon acts of their own legiſlatures for raiſing a reaſonable ſum towards the charges with which government muſt neceſſarily be burdened for their protection and defence, acts of Parliament for taxing them ought to be repealed, and that it will not be adviſeable to tax them for the future*; are as great ſecurities as they can have. Succeeding Houſes of Commons, who alone can originate acts of taxation, will be in honour bound to adhere to this reſolve as much as a ſucceeding Parliament can be bound to adhere to any act of Parliament paſſed with all its formalities. I ſay, in *honour* bound, becauſe the *power*, or *authority*, can in neither caſe be reſtrained or limited. This being all the ſecurity which, from the nature of government, can be given, muſt content them. More than this no miniſter can propoſe, no Parliament can approve.—Could there be greater; I ſhould make no objection.

Government here will reſtore them to the full poſſeſſion of their trade and their fiſhery, and protect them in it, will give farther encourage-

couragement to their trade, in inſtances where it may be done without prejudice to the national intereſt, which I think may be eaſily ſuggeſted; will conſider them, as Monteſquieu ſays, to be colonies planted and reared for commercial advantages, and will give full credit for thoſe advantages; inſtead of requiring them, according to Doctor Price's plan, to tax themſelves, for their proportion to the vaſt national debt, of one hundred and thirty or forty millions, a propoſal tending to deter them from any farther connection, will look forward only, and make full allowance for every ſum ariſing from ſuch external duties, as may be neceſſary to be laid in acts for regulating their commerce; and, if it may conſiſt with juſtice to the other parts of the dominions, will eaſe them of all internal taxes whatſoever; will allow to their internal legiſlatures every power of legiſlation compatible with the general ſupremacy of Parliament; and will conſider them as ſubjects intitled to every liberty, every privilege enjoyed by their fellow-ſubjects, which their local ſituation will admit.

This is the only plan for laſting peace and harmony. Many who are friends to the king-

dom and colonies, have complained, that no more notice has been taken of the declarations, and offers made by the Philadelphia congreſs, which have been thought to contain ſufficient grounds for treaty, and for ſettling a compact between Parliament and the colonies. It was impoſſible. Every ſtep towards ſuch a treaty would have ſet peace at a greater diſtance, and no compact can be entered into, but what will deſtroy the peace propoſed to be eſtabliſhed by it. Whatever fancies we may have of an original compact, at the firſt formation of a ſtate, a compact between the ſupreme authority and the ſeveral parts of a ſtate, will involve contradiction and abſurdity. Such ſecurity then, as the nature of government will admit for the enjoyment of ſpecial rights, liberties, or exemptions by any parts of a ſtate, ought to give content. This ſecurity may be obtained by grants, charters, preſcriptions, or long indulged uſage; and ſuch title may be acquired, that no power, except the ſupreme authority, and that only when the public good requires, of which it muſt be the judge, can alter. With this power our

American

American brethren may as ſafely truſt their liberties, as we in the kingdom do ours; for, notwithſtanding the abuſive inſinuations in the pamphlet I have attempted to anſwer *, no government in the world is under a legiſlative power which, in all its acts, has maintained a more juſt and impartial regard to the intereſts of the ſeveral parts of the dominions, whether repreſented or not, than the legiſlative power of Great Britain.

In fine, if the Doctor's book is plauſible, yet it is deluſive.

His ſyſtem muſt remain upon paper, and in idea only; it can never be carried into act.

His vindication of the colonies, his charges againſt government, have no other ſupport than the truth and practicability of his ſyſtem; and, therefore, are altogether groundleſs.

His book may create, or increaſe diſcord, but it has no tendency to promote concord, peace, and love. A ſingle action which has this tendency, will afford a more pleaſing reflection to a benevolent mind, than all the metaphyſical diſtinctions, all the moſt extenſive

* P. 45.

calcu-

calculations to which the powers of the human mind can be ſtretched.

I intended, in a ſummary way, to have deduced the authority of Parliament over the plantations, from a ſeries of facts, relative to them from their firſt diſcovery to this day, and to have endeavoured to caſt ſome new light on grants, charters, and proceedings in Parliament, but I find it will take more time than I expected; my pamphlet alſo is already ſwolen to a ſufficient ſize.

FINIS.

ERRATA.

P. 19, *l.* 12, *for* the liberty *read* liberty.
P. 20, *l.* 2, *dele* or ſtate.
P. 23, *l.* 13, *for* the ſtate *read* the authority of the ſtate.
P. 34, *l.* 23, *for* plantation *read* plantations.